

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2305 - HB 2410

February 23, 2018

SUMMARY OF BILL: Increases the penalty for reckless endangerment by discharging a firearm from within a motor vehicle from a Class E felony to a Class C felony.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$460,300 Incarceration*

Assumptions:

- Tennessee Code Annotated § 39-13-103 prohibits any person from recklessly engaging in conduct that places or may place another in imminent danger of death or serious bodily injury.
- Reckless endangerment is a Class A misdemeanor unless committed with a deadly weapon, in which case it is a Class E felony.
- Tennessee Code Annotated § 39-13-103(b)(3) currently states that it is a class C felony to discharge a weapon into habitation.
- The proposed legislation would increase the penalty for discharging a firearm from within a motor vehicle to a class C felony.
- Statistics from the Department of Correction (DOC) show an average of 131.5 admissions per year for reckless endangerment with a deadly weapon involved, Class E felony offenses in each of the past 10 years.
- It is assumed that 10 percent ($131.5 \times 0.1 = 13.15$), or 13 admissions, of the current Class E felony offenses will involve discharging a weapon from within a motor vehicle and will be enhanced to a class C felony.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will account for two ($13 \times .1178$) additional Class C felony admissions for a total of 15 ($13 + 2$).
- The average time served for a class C felony is 3.28 years. The average time served for a Class E felony is 1.31 years.
- Offenders currently serving time for a Class E felony would serve an additional 1.97 years ($3.28 - 1.31$) for a Class C felony under the proposed legislation.
- According to the DOC, 41.7 percent of offenders will re-offend within two years of their release. A recidivism discount of 41.7 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the

SB 2305 - HB 2410

additional time added by this proposed legislation. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (15 offenders x .417 = 6 offenders).

- According to the DOC, the average operating cost per offender per day for calendar year 2018 is \$71.08.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on nine offenders (15 offenders – 6 recidivism discount) serving 1.97 additional years (719.54 days) at a cost of \$51,145 (\$71.08 x 719.54 days) per offender. The total cost for nine offenders is \$460,305 (\$51,145 x 9).
- Any impact to the caseloads of the courts, public defenders, and district attorneys can be accommodated within their existing resources.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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